

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

HELEN HANKS, on behalf of herself and all others similarly situated, ) Civil Action No. 16-cv-6399  
Plaintiff, )  
vs. )  
THE LINCOLN LIFE & ANNUITY )  
COMPANY OF NEW YORK; VOYA )  
RETIREMENT INSURANCE AND )  
ANNUITY COMPANY, formerly )  
known as Aetna Life Insurance and )  
Annuity Company, )  
Defendants. )

**PROOF OF MAILING OF SHORT-FORM NOTICE AND  
PROOF OF WEBSITE POSTING OF LONG-FORM NOTICE  
PURSUANT TO THE ORDER APPROVING  
FORM AND MANNER OF NOTICE (DKT. 122)**

**To the Court, All Parties, and Their Counsel of Record:**

On April 23, 2019, the Court issued its “Order Approving Form and Manner of Class Notice.” Dkt. 122. Pursuant to this Order, the Notice Administrator (JND Legal Administration LLC (“JND”)) was required to mail the approved Short-Form Notice to all Class Members by the “Notice Date,” which was defined as twenty-one days after Class Counsel received a list of Class Members and their last known addresses from Defendant Voya Retirement Insurance and Annuity Company (“Voya”). *Id.* ¶ 5. The Order also required that JND cause a copy of the approved Long-Form Notice to be posted on the website designed for this lawsuit by the Notice Date, and establish and maintain a toll-free number for class members. *Id.* ¶¶ 6–7. The Order required that Class Counsel file a proof of mailing and proof of posting by no later than fourteen days after the notice date. *Id.* ¶ 10.

Pursuant to the April 23 Order, Class Counsel now submits this proof of mailing and posting. Class Counsel received the list of Class Members and their last known addresses from Voya on May 23, 2019, *see* Declaration of Nicholas N. Spear ¶ 3 (attached hereto as Exhibit A), which meant that the “Notice Date” was June 13, 2019. On June 13, JND mailed the Short-Form Notice to Class Members consistent with the April 23 Order. *See* Declaration of Jennifer M. Keough ¶¶ 6–7 (attached hereto as Exhibit B). Also on June 13, JND established a Notice Website, [www.Voyacoilitigation.com](http://www.Voyacoilitigation.com), to provide additional information to Class Members. *Id.* ¶ 9. This website allows viewers to download copies of the Long-Form Notice and other documents. *Id.* Also on June 13, JND established a case-specific toll-free number, 1-833-759-2984, for individuals to call to obtain information about the Lawsuit. *Id.* ¶ 8. The line is available 24 hours a day, seven days a week. *Id.* As of June 24, 2019, the website has received 277 unique visitors for a total of 1,017 pageviews and the case-specific toll-free number has received 208 calls. *Id.* ¶ 10.

Dated: June 27, 2019

/s/ Nicholas N. Spear \_\_\_\_\_

Seth Ard  
Ryan C. Kirkpatrick (*pro hac vice*)  
Susman Godfrey L.L.P.  
1301 Avenue of the Americas, 32nd Floor  
New York, NY 10019  
Tel: 212-336-8330  
Fax: 212-336-8340  
sard@susmangodfrey.com  
rkirkpatrick@susmangodfrey.com

Steven G. Sklaver (*pro hac vice*)  
Nicholas N. Spear (*pro hac vice*)  
Michael Gervais  
Susman Godfrey L.L.P.  
1900 Avenue of the Stars, Suite 1400  
Los Angeles, CA 90067-6029  
Tel: 310-789-3100  
Fax: 310-789-3150  
ssklaver@susmangodfrey.com  
nspear@susmangodfrey.com  
mgervais@susmangodfrey.com

*Class Counsel*

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been served on the following counsel, this June 27, 2019.

Alan B. Vickery  
Jack G. Stern  
John F. LaSalle  
Andrew Villacastin  
Boies Schiller Flexner LLP  
575 Lexington Avenue  
New York, New York 10022  
Tel: (212) 446-2300  
Fax: (212) 446-2350  
[jstern@bsfllp.com](mailto:jstern@bsfllp.com)  
[jlasalle@bsfllp.com](mailto:jlasalle@bsfllp.com)  
[avickery@bsfllp.com](mailto:avickery@bsfllp.com)  
[avillacastin@bsfllp.com](mailto:avillacastin@bsfllp.com)

Motty Shulman  
Evelyn Fruchter  
Boies Schiller Flexner LLP  
333 Main Street  
Armonk, New York 10504  
Tel: (914) 749-8200  
Fax: (914) 749-8300  
[mshulman@bsfllp.com](mailto:mshulman@bsfllp.com)  
[efruchter@bsfllp.com](mailto:efruchter@bsfllp.com)

*Attorneys for Voya Retirement Insurance and Annuity Company,  
formerly known as Aetna Life Insurance and Annuity Company*

*/s/ Nicholas N. Spear* \_\_\_\_\_  
Nicholas N. Spear